

REMARKS

The Office Action of December 10, 2009, has been carefully reviewed, and in view of the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, the Examiner has relied upon a new primary reference, U.S. Patent No. 7,533,501 to Neal, in rejecting claims 1-24. For at least the following reasons, these rejections are respectfully traversed.

The Examiner relies upon Neal as a reference under 35 U.S.C. 102(b) in rejecting claims 1, 21, and 23, and in combination with other references under 35 U.S.C. 103(a) in rejecting the remainder of the claims. Neal was filed on June 5, 2004 and first published on **December 29, 2005**.

The present application was filed as a PCT National Stage application on April 11, 2005, based upon PCT Application No. PCT/US03/32481 filed October 14, 2003, which claims priority to U.S. Provisional Application No. 60/417,872 filed October 11, 2002. Hence the earliest effective filing date of the present application is **October 11, 2002**.

In view of the above, it is clear that Neal does not qualify as prior art under 35 U.S.C. 102(b) as it was not published more than one year prior to the present application. In addition, Neal does not qualify as prior art under 35 U.S.C. 102(e) as it was not filed prior to the earliest effective filing date of the present application.

Accordingly, Applicant respectfully submits that the rejections of claims 1-24 based upon Neal, either alone or in combination with other references, must be withdrawn as Neal is not prior art relative to the present application.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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